



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin
Governor

Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

September 27, 2012

MEMORANDUM

TO: All District Engineers/Managers
All Division Directors

FROM: Marvin G. Murphy, P. E., P. S. 
State Highway Engineer

SUBJECT: SIDEWALK GUIDELINES

Effective immediately, this memorandum shall serve as interim guidelines until Engineering Division DD-817, Minor Preventive Maintenance, and DD-811, Curb Ramps and Sidewalks, are revised. These guidelines shall apply to all new construction projects and resurfacing projects.

Interim Implementation for Curb Ramps Only

The replacement or addition of curb ramps to satisfy the following policy shall be accomplished by an addendum or change order for any project advertised after October 1, 2012. Any project that has been let or awarded and construction in the area of the curb ramps is anticipated to occur after April 1, 2013, the replacement or addition of curb ramps shall be added by a change order.

Existing Sidewalks

Resurfacing projects are considered an alteration by the Department of Justice (DOJ) and will require all existing curb ramps within the resurfacing project to meet the 2010 Americans with Disabilities Act (ADA) Standards for accessible design. This will require installing curbs ramps where presently a curb ramp does not exist to make the sidewalk ADA accessible. Existing sidewalks shall be evaluated for ADA Compliance using the DOJ 2010 ADA Standards for Accessible Design. The 2010 ADA Standards for Accessible Design consists of the 28 CFR Part 35.151 from the Code of Federal Regulation combined with the 2004 ADA Accessibility Guidelines.

For sidewalks located outside of a municipality, the District/Division shall evaluate and fully document the entire sidewalk within the resurfacing project limits for ADA Compliance. A cost estimate for the renovation and a copy of the ADA evaluation shall be forwarded for review to the District/Division ADA Coordinator. The WVDOH is currently working on an ADA Transition Plan to bring all WVDOH sidewalks up to ADA Compliance. To assist in this effort, consideration

shall be given by the District/Division at the time of the resurfacing project to incorporate the sidewalk renovations into the resurfacing project. The District/Division may request, through the District ADA Coordinator, that due to the extent of the scope, the sidewalk renovations not be incorporated into the resurfacing project, and be included in the WVDOH ADA Transition Plan. The ADA Coordinator shall obtain approval for this request from the State Highway Engineer. Regardless when the sidewalks are renovated, curb ramp work to make the sidewalk ADA Compliant is required to be incorporated into the resurfacing project.

For sidewalks located on the WVDOH Right of Way within a municipality responsible for the maintenance of the sidewalks, the District/Division ADA Coordinator shall inform the municipality that the existing sidewalks need to be evaluated for ADA compliance. Any sidewalk found to be non-compliant needs to be added to municipality's ADA Transition Plan. Curb ramp work to make the sidewalk ADA Compliant is required to be incorporated into the resurfacing project regardless of the maintenance responsibility for the sidewalks.

New Sidewalks and Replacement of Existing Sidewalks

The Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way (PROWAG), dated July 26, 2011, should be considered as minimum criteria for the design of any new sidewalk or the replacement of an existing sidewalk. Currently, PROWAG is still in the rule making process and the 2010 ADA Standards for Accessible Design is being enforced by the Department of Justice. Therefore, new sidewalks shall also be checked for compliance with the 2010 ADA Standards for Accessible Design.

An ADA Exceptions Justification Report in DD-811 shall be submitted to the District/Division ADA Coordinator for review and comments for any exception to the ADA requirements in 2010 ADA Standards for Accessible Design. Although an ADA exception is granted for a requirement being technically infeasible to meet, the requirement shall be met to the maximum extent feasible. The District/Division ADA Coordinator shall maintain a copy of all ADA Exceptions Justification Reports and ADA evaluations of sidewalks for future reference. A copy of this documentation shall be sent to the following address:

West Virginia Division of Highways
EEO Division ADA Coordinator
1900 Kanawha Boulevard, East
Building 5, Room 948
Charleston, West Virginia 25305

Should you have any questions or require additional information, please contact Mr. Robert L. Douglas, P. E., WVDOH ADA Coordinator, by telephone at (304) 558-9690, or by e-mail at Robert.L.Douglas@wv.gov.

MGM:Bc

cc: Federal Highway Administration